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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,325	07/02/2001	Kouichiro Hara	010831	6713

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EXAMINER	
VUONG, JASON DUY ANH	

ART UNIT	PAPER NUMBER
2626	

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/895,325	HARA, KOUICHIRO	
	Examiner	Art Unit	
	Jason D. A. Vuong	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-4 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-4 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _____ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 10-25-2001.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: inconsistent numbering of an element.

The first line of the third paragraph on page 5 refers to the reference number 12 as both the control box and the computer. The reference number 12 cannot refer to two different components.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claims 1, 2, 3 and 4** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding **Claim 1**, the phrase "such as", on line 13, renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding **Claim 1**, the phrase "receiver information", on line 9, is considered indefinite because it is unclear whether it refers to the information of the communication receiver, or to the information of the recipient, which receives the goods.

Regarding **Claim 2**, the phrase "the receiver in the managing center", on the last line, is considered indefinite because it is unclear whether it refers to the communication receiver, or to the recipient, which receives the goods.

Regarding **Claim 3**, the phrase "the receiver makes a telephone call", on line 9, is considered indefinite because it is unclear whether it refers to the communication receiver, or to the recipient, which receives the goods.

Regarding **Claim 4**, the phrase "the receiver is allowed to access", on line 9, is considered indefinite because it is unclear whether it refers to the communication receiver, or to the recipient, which receives the goods.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. **Claims 1, 2 and 4** are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent No. 02-187859 (Application No. 01-006542) to Shiyouji et al. in view of U.S. Patent No. 4,894,717 to Komei.

Regarding **Claim 1**, Shiyouji et al. disclose a home delivery locker system comprises: home delivery lockers (see Figure 1 Elements 10-19), a managing center (see Figure 2 Element 4) for managing the home delivery lockers. The home delivery locker and the managing center are connected through a communication line (see Figure 1, Arrows Connecting Elements 2, 3, and 4). Shiyouji et al. also disclose that it is possible to notify the recipient, by utilizing different communication means, that a parcel is deposited in a delivery locker. Shiyouji et al. specifically teach that a recipient can be notified by telephone (refer to Paragraph [0040]). However, Shiyouji et al. do not disclose that the managing center is allowed to receive information indicating that a parcel is stored in a delivery locker.

Komei, on the other hand, discloses the use of sensors to detect the presence or absence of the delivered parcel (Figure 1 Elements 15A-15N).

Therefore, it would have been obvious to one having ordinary skill in the art to integrate Komei's detection sensors into Shiyouji et al.'s locker system to detect the absence or presence of the parcel in a delivery locker; the managing

center can then receive information from the output of these sensors via the communication means. The motivation to do so is to provide an automatic system that conveniently notifies the recipient of the delivered parcel; it is convenient because even when the recipient is not home, he or she can still receive delivery information via the telephone.

Regarding **Claim 2**, in order for the managing center or the locker to automatically notifies the recipient of the delivered parcel (either via telephone, fax, or email), it is clear that managing center or the locker must know the recipient's preferred method of communication (either via telephone, fax, or email); this registration of communication method must be done by the recipient at some point prior to receiving the delivered parcel. The recipient can simply contact the managing center to provide this information, or the managing staff at the managing center can simply contact the recipient to acquire this information.

Also, Shiyouji et al. further disclose that the contact information of the recipient (name, room number, telephone number) is stored at the managing center (refer to Paragraph [0030] Lines 4-5). Therefore, this contact information must be registered or entered into the system at some time, and no one has knowledge of such information except the recipient. So the recipient must provide this information along with the preferred method of communication to be entered into the system.

Regarding **Claim 4**, one having ordinary skill in the art can combine Komei's detection sensors and Shiyouji et al.'s locker system to allow the managing center to receive information regarding a delivered parcel stored in the delivery locker (refer to the rejection of **Claim 1** above). Shiyouji et al. and Komei, however, do not disclose that the recipient can access a site at the managing center.

However, one having ordinary skill in the art can use server 40, or communication server 42 (see Shiyouji et al.'s Figure 2) as a web server to provide access to recipients. Recipients can, therefore, access the web site to check for delivery information.

4. **Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent No. 02-187859 (Application No. 01-006542) to Shiyouji et al. in view of U.S. Patent No. 4,894,717 to Komei as applied to **Claims 1 and 2** above, and further in view of U.S. Patent No. 5,121,422 to Kudo.

Regarding **Claim 3**, one having ordinary skill in the art can combine Komei's detection sensors and Shiyouji et al.'s locker system to allow the managing center to receive information regarding a delivered parcel stored in the delivery locker (refer to the rejection of **Claim 1** above). Shiyouji et al. and Komei, however, do not disclose the use of a telephone automatic answering system at the managing center or at the delivery lockers.

Nevertheless, Kudo teaches the use of telephone automatic answering system. A user can call the answering system to hear the playback of a stored message (Column 4 Lines 61-68).

One having ordinary skill in the art can certainly apply the automatic answering system as taught by Kudo to the combined locker system (Shiyouji et al.'s invention and Komei's invention). First, the managing center determines how many recipients need to be informed of the awaiting parcel, and then creates the same number of messages to be stored in the automatic answering system. Whenever a recipient calls to acquire delivery information, the automatic answering system starts the playback of the stored message that was assigned to that recipient. Therefore, it would have been obvious to one having ordinary skill in the art to apply the telephone automatic answering system as taught by Kudo to the combined system (Shiyouji et al.'s invention and Komei's invention) to provide delivery information to the recipient via the telephone. The motivation to do so is to provide a convenient way for the recipient to receive delivery information; it is convenient because recipients can call the automatic answering service to acquire delivery information at any time he or she wishes.

Conclusion

Any inquiry concerning this communication should be directed to Jason Vuong at 703-306-4157.

JOSEPH MANCUSO
PRIMARY EXAMINER